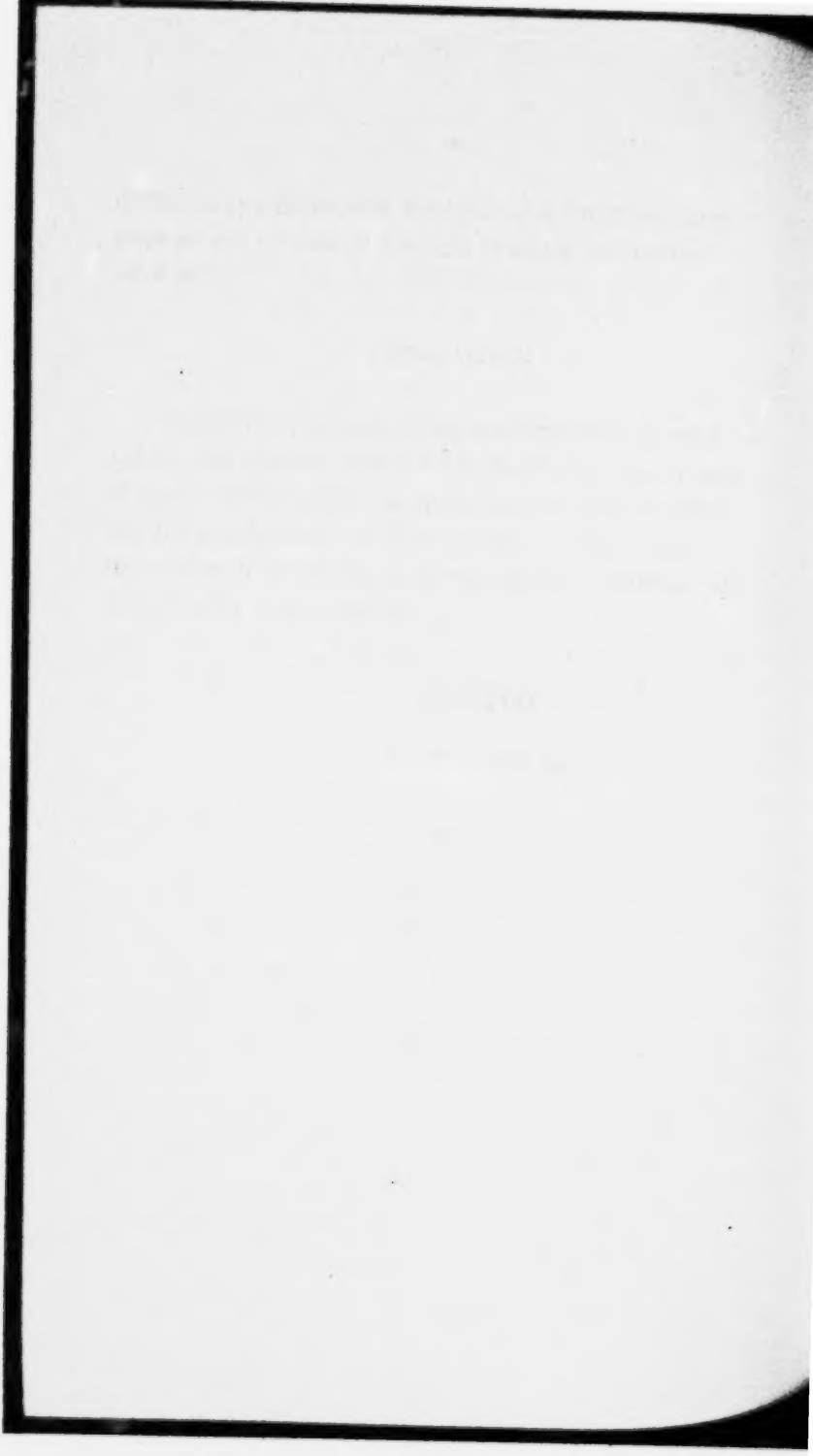

APPENDIX "A"

Opinion of the United States Court of Appeals For The Ninth Circuit

United States Court of Appeals for the Ninth Circuit.

William C. Corwin, Appellant, vs. United States of America, Appellee.

No. 23,104.

[February 17, 1970]

Appeal from the United States District Court for the Central District of California.

Before: BARNES, CARTER and KILKENNY*, Circuit Judges.

PER CURIAM:

Appellant, along with two others, was charged in three counts with violations of 21 U.S.C. sec. 176(a) and in one count with a violation of 26 U.S.C. sec. 4742(a). He filed a motion to dismiss the indictment on the ground that prosecution of the offenses charged in each count violated his Fifth Amendment rights. The motion was heard and denied. On trial, at the close of the government's case, appellant pleaded guilty to count two charging him with unlawful sale of marihuana in violation of sec. 176(a). Thereupon, on motion of the government, the court dismissed the other three counts. From the conviction and sentence on the one count, this appeal is prosecuted. We affirm.

Although a plea of guilty is an admission of guilt and a waiver of all non-jurisdictional defects, *United States v. Doyle*, 348 F.2d 715, 718 (2d Cir. 1965), *cert. denied* 382 U.S. 843; *Davis v. United States*, 347 F.2d 374 (9th Cir. 1965), such a plea does not waive a previous claim of constitutional privilege

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*United States District Judge for the District of Oregon, sitting by designation at the time of submission.

against self-incrimination. *Haynes v. United States,* 390 U.S. 85 (1968); *Whaley v. United States,* 394 F.2d 399 (10th Cir. 1968). Aside from the presumption therein contained, sec. 176(a) has now been held constitutionally valid. *Witt v. United States,* 413 F.2d 303 (9th Cir. 1969); *United States v. Cordova,* ..... F.2d ....., No. 24481 (9th Cir., January 29, 1970).

* * * *

BLEED THROUGH POOR COPY

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) ss.
County of Orange)

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and employed in the County of Orange, State of California, over the age of eighteen years and not a party to the within action or proceeding; that

My business address is 315 Third Street, Huntington Beach, California 92646, that on APRIL 14th, 1970, I served the within PETITION FOR WRIT OF CERTIORARI (Corwin v. United States) on the following named parties by depositing two copies thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office in the City of Huntington Beach, California, addressed to said parties at the addresses as follows:

UNITED STATES ATTORNEY
CENTRAL DISTRICT OF CALIFORNIA
12th Floor, U. S. COURTHOUSE
LOS ANGELES, CALIFORNIA 90012

SOLICITOR GENERAL OF THE UNITED STATES
WASHINGTON, D. C.

I further declare that one copy of the aforesaid document has been forwarded to:

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
7TH & MISSION STREETS
P. O. BOX 547
SAN FRANCISCO, CALIFORNIA 94101

I declare under penalty of perjury that the foregoing is true and correct.

Executed on APRIL 14th, 1970, at HUNTINGTON BEACH, CALIFORNIA.

D. A. Standefer

41 copies to U. S. Supreme Court, Washington, D. C.

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